



General Assembly

February Session, 2000

Amendment

LCO No. 5091

Offered by:

REP. MUSHINSKY, 85th Dist.
REP. DANDROW, 30th Dist.
REP. TERCYAK, 26th Dist.
REP. AMANN, 118th Dist.
REP. BEALS, 88th Dist.
REP. CARUSO, 126th Dist.
REP. CHRIST, 11th Dist.
REP. KERENSKY, 14th Dist.
REP. LAWLOR, 99th Dist.
REP. MANTILLA, 4th Dist.
REP. MCCLUSKEY, 20th Dist.
REP. O'ROURKE, 32nd Dist.
REP. STONE, 9th Dist.
REP. THOMPSON, 13th Dist.
REP. TRUGLIA, 145th Dist.
REP. VILLANO, 91st Dist.
REP. BERNHARD, 136th Dist.
REP. BOUCHER, 143rd Dist.

REP. BOUGHTON, 138th Dist.
REP. D'AMELIO, 71st Dist.
REP. DELGOBBO, 70th Dist.
REP. FREY, 111th Dist.
REP. GOOGINS, 31st Dist.
REP. HAMZY, 78th Dist.
REP. HEAGNEY, 16th Dist.
REP. KLARIDES, 114th Dist.
REP. MILLER, 122nd Dist.
REP. NYSTROM, 46th Dist.
REP. POWERS, 151st Dist.
REP. PRELLI, 63rd Dist.
REP. ROWE, 123rd Dist.
REP. SHEA, 112th Dist.
REP. SIMMONS, 43rd Dist.
REP. STRIPP, 135th Dist.
REP. TYMNIAK, 133rd Dist.
REP. WINKLER, 41st Dist.

To: Subst. House Bill No. 5529

File No. 372

Cal. No. 304

**"An Act Promoting And Enhancing Behavioral Health
Services For Children."**

-
- 1 After line 100, insert the following and renumber the remaining
2 section accordingly:

3 "Sec. 4. (NEW) (a) Any hospital or other licensed health care provider
4 may refer to the Commissioner of Children and Families any newborn
5 if such newborn has special medical needs resulting from narcotic
6 withdrawal or fetal alcohol syndrome diagnosed by a licensed
7 physician and the hospital or other licensed health care provider has a
8 reasonable belief that the newborn will be denied proper medical care
9 and attention.

10 (b) The commissioner shall commence an investigation within
11 twenty-four hours of receipt of a referral. The commissioner shall
12 complete such investigation prior to the date of discharge of such
13 newborn or not more than fourteen calendar days of referral, which
14 ever is later. In substantiating that a newborn is at high risk of neglect,
15 the investigation shall include an assessment of the following: (1) The
16 extent of the mother's prenatal care during the pregnancy of the
17 newborn; (2) the failure of the parent to participate in services offered
18 in the hospital to meet the special needs of the newborn; (3) the
19 physical and mental ability of the parent to provide care to the
20 newborn, including the provisions of appropriate care in the home; (4)
21 the willingness of the parent to participate in appropriate services for
22 such parent and the newborn; (5) support services within the family or
23 community that are available to the parents of the newborn and the
24 willingness of the parents to access such services; and (6) the safety
25 and adequacy of the home. Substantiation shall be made by interview,
26 contact with others, observation of parent and child and review of
27 documents and shall be performed in collaboration with the physician
28 of the newborn, other licensed health care providers providing direct
29 care to the newborn, social workers and appropriate community
30 organizations. For the purposes of this section, the treatment of any
31 newborn by an accredited Christian Science practitioner in lieu of
32 treatment by a licensed practitioner of the healing arts shall not
33 constitute a high risk of neglect.

34 (c) Not less than three days after the release from the hospital of a
35 newborn substantiated by the commissioner to be at a high risk of
36 neglect, the commissioner shall provide or arrange for intensive

37 supervision of the newborn which shall include, but not be limited to,
 38 visits to the newborn and family of such newborn, twice a week for at
 39 least four weeks. In providing for or arranging such supervision, the
 40 commissioner shall take into consideration the discharge plan
 41 developed by the hospital for the newborn in accordance with
 42 regulations adopted pursuant to section 19a-504c of the general
 43 statutes. The commissioner shall assign a caseworker to the family. The
 44 commissioner shall establish uniform guidelines for contact with the
 45 family which shall include, but not be limited to, the following: (1) The
 46 purpose and method of the contact; (2) the mechanism for
 47 collaborating or contracting with agencies providing home-based
 48 services; and (3) provisions to close the case or to continue contact for
 49 more than four weeks. Such guidelines shall not be deemed to be
 50 regulations, as defined in subdivision (13) of section 4-166 of the
 51 general statutes.

52 Sec. 5. Section 46b-120 of the general statutes is repealed and the
 53 following is substituted in lieu thereof:

54 The terms used in this chapter shall, in its interpretation and in the
 55 interpretation of other statutes, be defined as follows: (1) "Child"
 56 means any person under sixteen years of age and, for purposes of
 57 delinquency matters, "child" means any person (A) under sixteen years
 58 of age or, (B) sixteen years of age or older who, prior to attaining
 59 sixteen years of age, has violated any federal or state law or municipal
 60 or local ordinance, other than an ordinance regulating behavior of a
 61 child in a family with service needs, and, subsequent to attaining
 62 sixteen years of age, violates any order of the Superior Court or any
 63 condition of probation ordered by the Superior Court with respect to
 64 such delinquency proceeding; (2) "youth" means any person sixteen to
 65 eighteen years of age; (3) "abused" means that a child or youth (A) has
 66 had physical injury or injuries inflicted upon [him] such child or youth
 67 other than by accidental means, or (B) has injuries which are at
 68 variance with the history given of them, or (C) is in a condition which
 69 is the result of maltreatment such as, but not limited to, malnutrition,
 70 sexual molestation or exploitation, deprivation of necessities,

71 emotional maltreatment or cruel punishment; (4) a child may be found
72 "mentally deficient" who, by reason of a deficiency of intelligence,
73 which has existed from birth or from early age, requires, or will
74 require, for [his] the child's protection or for the protection of others,
75 special care, supervision and control; (5) a child may be convicted as
76 "delinquent" who has violated (A) any federal or state law or
77 municipal or local ordinance, other than an ordinance regulating
78 behavior of a child in a family with service needs, (B) any order of the
79 Superior Court or (C) conditions of probation as ordered by the court;
80 (6) a child or youth may be found "dependent" whose home is a
81 suitable one for [him, save] the child or youth, except for the financial
82 inability of [his] such child's or youth's parents, parent [,] or guardian
83 or other person maintaining such home [,] to provide the specialized
84 care [his] such child's or youth's condition requires; (7) a "family with
85 service needs" means a family which includes a child who (A) has
86 without just cause run away from [his] the parental home or other
87 properly authorized and lawful place of abode; (B) is beyond the
88 control of [his] such child's parent, parents, guardian or other
89 custodian; (C) has engaged in indecent or immoral conduct; (D) is a
90 truant or habitual truant or who, while in school, has been
91 continuously and overtly defiant of school rules and regulations; or (E)
92 is thirteen years of age or older and has engaged in sexual intercourse
93 with another person and such other person is thirteen years of age or
94 older and not more than two years older or younger than such child;
95 (8) a child or youth may be found "neglected" who (A) has been
96 abandoned or (B) is being denied proper care and attention, physically,
97 educationally, emotionally or morally or (C) is being permitted to live
98 under conditions, circumstances or associations injurious to [his] the
99 well-being of the child or youth or (D) has been abused or (E) is an
100 infant (i) who the Department of Children and Families has
101 substantiated to be a newborn at high risk of neglect under section 4 of
102 this act, (ii) whose parents are not following the discharge plan of the
103 hospital or participating in the program of supervision arranged by
104 said department, and (iii) for whom the failure to follow the plan or
105 participate in the program places such infant in danger; (9) a child or

106 youth may be found "uncared for" who is homeless or whose home
107 cannot provide the specialized care which [his] the child's or youth's
108 physical, emotional or mental condition requires. For the purposes of
109 this section the treatment of any child by an accredited Christian
110 Science practitioner in lieu of treatment by a licensed practitioner of
111 the healing arts, shall not of itself constitute neglect or maltreatment;
112 (10) "delinquent act" means the violation of any federal or state law or
113 municipal or local ordinance, other than an ordinance regulating the
114 behavior of a child in a family with service needs, or the violation of
115 any order of the Superior Court; (11) "serious juvenile offense" means
116 (A) the violation by a child, including attempt or conspiracy to violate
117 sections 21a-277, 21a-278, 29-33, as amended, 29-34, 29-35, as amended,
118 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to
119 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, as amended, 53a-70 to
120 53a-71, inclusive, as amended, 53a-72b, as amended, 53a-86, 53a-92 to
121 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a, 53a-111 to 53a-
122 113, inclusive, subdivision (1) of subsection (a) of section 53a-122,
123 subdivision (3) of subsection (a) of section 53a-123, 53a-134, 53a-135,
124 53a-136a, 53a-166, 53a-167c, subsection (a) of section 53a-174, 53a-196a,
125 53a-211, 53a-212, 53a-216 or 53a-217b, or (B) running away, without
126 just cause, from any secure placement other than home while referred
127 as a delinquent child to the Office of Alternative Sanctions or
128 committed as a delinquent child to the Commissioner of Children and
129 Families for a serious juvenile offense; (12) "serious juvenile offender"
130 means any child convicted as delinquent for commission of a serious
131 juvenile offense; (13) "serious juvenile repeat offender" means any
132 child charged with the commission of any felony if such child has
133 previously been convicted delinquent at any age for two violations of
134 any provision of title 21a, 29, 53 or 53a which is designated as a felony;
135 (14) "alcohol-dependent child" means any child who has a
136 psychoactive substance dependence on alcohol as that condition is
137 defined in the most recent edition of the American Psychiatric
138 Association's "Diagnostic and Statistical Manual of Mental Disorders";
139 (15) "drug-dependent child" means any child who has a psychoactive
140 substance dependence on drugs as that condition is defined in the

141 most recent edition of the American Psychiatric Association's
142 "Diagnostic and Statistical Manual of Mental Disorders". No child shall
143 be classified as drug dependent who is dependent (A) upon a
144 morphine-type substance as an incident to current medical treatment
145 of a demonstrable physical disorder other than drug dependence, or
146 (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic
147 or other stimulant and depressant substances as an incident to current
148 medical treatment of a demonstrable physical or psychological
149 disorder, or both, other than drug dependence."